IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI

AND
THE HON'BLE MR. JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 2203 of 1998

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated19-08-1998 in WP NO: 3814 OF 1997 on the file of the High Court.)

Between:

Sri Seetha Ramanjaneya Aided Upper Primaryi School, N.R.Pet, Eluru, rep.by Correspondent N.Dakshina Murthy.

APPELLANT

AND

1. M.Srinivasu, working as S.G.B.T.Teacher, Sree Seetha Ramanjaneya Aided Upper Primary School, N.R.Pet, Eluru, Hindu.
2. G.L.N.Sastry,Hiondu, Sree Seetha Ramanjaneya Aided Upper Primaryi School, N.R.Pet, Eluru.
3. Government of Andhra Pradesh, represented by its Secretary, School Education, Secretariat, Hyderabad.
4. District Educational Officer, West Godavari District.

RESPONDENTS

Counsel for the Appellant: MR.K.G.KRISHNA MURTHY

Counsel for the Respondents 1 and 2.: MR.M.KRISHNA MOHAN RAO

Counsel for the Respondents 3 and 4: GP FOR SCHOOL EDUCATION.

The Court made the following :

JUDGMENT (Per the Honourable Smt.Justice T.Meenakumari)

This present writ appeal is preferred against the order of the learned single Judge in W.P.No:3814 of 1997, dated 19th August, 1998, by which the writ petition is disposed of as per the observations as indicated therein.

Respondents-1 and 2 herein are the writ petitioners and respondents 3 and 4 and the appellant herein are respondents-1 to 3 in the writ petition. The status of the parties will be referred to as arrayed in the writ petition.

The writ petitioners have filed the writ petition seeking a writ of mandamus to direct the District Educational Officer, Eluru to accord approval to the absorption of the writ petitioners with effect from 31.7.1995 in the two aided posts of S.G.B.T. in S.S.R. H.A. U.P. School, Eluru and to release salaries to the petitioners from 9.10.1995. The learned single Judge having observed that keeping in view the plight of the writ petitioners who are made to work for all these three years without any salary, there shall be a direction to the respondents-1 and 2 to pass orders in the matter of according approval for the absorption of the writ petitioners into aided posts with effect from 31.7.1995 and there shall also be a direction to the 3rd respondent-appellant to pay salaries to them from 9.10.1995, disposed of the writ petition. Having aggrieved by the same, the present writ appeal is preferred by the Correspondent of the School-appellant herein.

Heard the learned counsel on either side.

It is the contention of the learned counsel for the appellant-Correspondent as well as the 1st respondent that pursuant to the order passed in W.P.No:6774 of 1999, dated 1.3.1991, the 1st respondent has passed the orders on 5.12.2002 permitting to absorb the writ petitioners to grant in aid from 9.10.1995 with retrospective effect.

It is submitted by the learned counsel for the writ petitioners that in view of the observation made by the learned single Judge in W.P.No:6774 of 1999 that the payment of salary and release of grant in aid to the writ petitioners for the past period will be subject to the result of this present appeal and in view of the pendency of the present appeal, the management was not paying the salaries. It is further submitted

that in view of the order of the 1st respondent dated 5.12.2002 admitting the post to aided post with effect from 9.10.1995, it is the obligation caste upon the 2nd respondent to release the salaries as per the entitlement of the writ petitioners with effect from 9.10.1995.

We have perused the material available on record and the order impugned.

In view of the absorption order of the 1st respondent, dated 5.12.2002 with retrospective effect i.e., from 9.10.1995, it is the 2nd respondent-District Educational Officer to release the salaries accrued to the writ petitioners.

In the changed facts and circumstances of the case, We have no hesitation to modify the order of the learned single Judge to the effect that the 2nd respondent-District Educational Officer shall release the salaries of the writ petitioners as indicated above within a period of six (6) months from the date of receipt of copy of this order.

Accordingly, this writ appeal is disposed of.

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(T.MEENAKUMARI, J)

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(P.LAKSHMANA REDDY, J)

27TH JUNE, 2005

Gurc.

1.Government of Andhra Pradesh, represented by its Secretary, School Education, Secretariat, Hyderabad.

2.District Educational Officer, West Godavari District.

3.Two C.Cs. to the G.P. for School Education, High Court Buildings, Hyderabad.

4.Two C.D. Copies.

5. The Correspondent, Sri Seetharamanjaneya Aided Upper Primary School, N.R pet, Eluru, W.G.District.